

Notice of Allowability

Application No.

09/879,219

Examiner

ABUL K. AZAD

Applicant(s)

SILVER ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on October 21, 2004.
2. ☒ The allowed claim(s) is/are 1-6,9-14,17-22,25,31 and 32.
3. ☒ The drawings filed on 13 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ar. ASMP

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on October 21, 2004.
2. Claims 1-6, 9-14, 17-22, 25 and 31-32 are pending in this action. Claims 1, 3, 11, 12, 21 and 22 have been amended. Claims 7, 8, 15, 16, 23, 24 and 26-30 have been canceled. Claims 31 and 32 have been newly added.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Christopher Leonard (Reg. No. 41,940) on November 15, 2004.

The application has been amended as follows:

IN THE CLAIM

Please amend claim 18 as follows:

Claim 18, line 1, change "15" to - -11- -

Allowable Subject Matter

4. Claims 1-6, 9-14, 17-22, 25 and 31-32 are allowed over the prior art of record.
5. The following is an examiner's statement of reasons for allowance:

As per independent claims 1, 11, 21, 31 and 32, the applicant teaches, a method for operating a broadcast programming receiver and a system of broadcast programming receiver. The prior art of record fails to teach or fairly suggest a voice command associated with a genre comprising a plurality of channels and a tuner for tuning in to at least one channel associated with the voice command wherein the tuner tunes in to a first channel of the genre for a duration before tuning in to a second channel of the genre. The prior art of record fails to teach or fairly suggest the claimed combinations of features. Therefore, claims 1-6, 9-14, 17-22, 25, and 31-32 are allowed over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

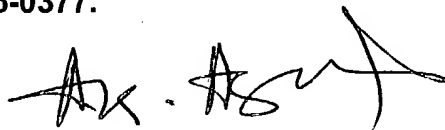
Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office at telephone number **(703) 306-0377**.



Abul K. Azad

November 15, 2004

14. (Original) The method of claim 11, wherein a voice command of the plurality of voice command comprises one or more words.

Claims 15-16 (Canceled)

17. (Currently amended) The method of claim ~~11~~ 16, wherein the duration is between about one second and about 30 seconds.

11 | 15 | 04 A-A 18. (Original) The method of claim ~~15~~ 11, further comprising the step of capturing a second speech segment from the user.

19. (Original) The method of claim 18, further comprising the step of tuning in to a specific channel associated with the genre if the second speech segment is recognized by the processor as a voice command of the plurality of voice commands.

20. (Original) The method of claim 11, wherein the receiver is one of a radio, a television, and a video cassette player.

21. (Currently amended) A method for operating a broadcast programming receiver comprising the steps of:

associating a plurality of voice commands with a plurality of channels, wherein the plurality of the voice commands are created using a voice of a user and wherein a voice command of the plurality of voice commands is associated with a genre comprising one or more channels of the plurality of channels;

storing a result of the associating step in a memory of the receiver;

capturing a speech segment using a microphone of the receiver;

determining whether the speech segment matches one of the plurality of voice commands; ~~and~~

tuning in to one or more of the plurality of channels that are associated with the speech segment using a tuner of the receiver if the speech segment matches one of the plurality of voice commands; and